

Final Text of Emergency Regulations

Section 3350.1 Heading is amended to read:

3350.1. Medical and Dental Treatment/Service Exclusions.

Subsection 3350.1(a) through (c) are unchanged.

Subsection 3350.1(d) is amended to read:

(d) Treatment for those conditions that are excluded within these regulations may be provided in cases where all of the following criteria are met:

- (1) The inmate's attending physician or dentist prescribes the treatment.
- (2) The service is approved by the medical authorization review committee, or the dental authorization review committee, and the health care review committee. The decision of the review committee, as applicable, to approve an otherwise excluded service shall be based on:
 - (A) Available health and dental care outcome data supporting the effectiveness of the services as medical or dental treatment.
 - (B) Other factors, such as:
 1. Coexisting medical or dental problems.
 2. Acuity.
 3. Length of the inmate's sentence.
 4. Availability of the service.
 5. Cost.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3352.1. Health Care Review Committee.

Subsection 3352.1(a) is amended to read:

(a) The health care review (HCR) committee shall meet as often as necessary to review cases approved by the MAR committee for medical services and Dental Authorization Review (DAR) committee for dental services otherwise excluded by these criteria in section 3350.1(d).

Subsection 3352.1(b) is amended to read:

(b) The HCR committee shall consist of, but not be limited to, the following:

- (1) Assistant Deputy Director, Clinical Policy and Programs Branch, Division of Correctional Health Care Services (DCHCS).
- (2) Statewide Medical Director, DCHCS.
- (3) Deputy Director, Health Care Administrative Operations Branch, DCHCS.
- (4) Statewide Dental Director, DCHCS.
- (5) Selected Dental designees.
- (6) Two selected specialist physicians.
- (7) Nonvoting utilization management nurse, as necessary.

Subsection 3352.1(c) is amended to read:

(c) Decisions to approve or deny an excluded service requires at least one of either the Assistant Deputy Director, Clinical Policy and Programs Branch, DCHCS, or the Deputy Director, Health Care Administrative Operations Branch, DCHCS, or their designee be in attendance at the applicable review committee. All decisions shall be documented in the inmate's health record.

Subsection 3352.1(d) is amended to read:

(d) Decisions regarding medical services which have been referred by the MAR committee shall be voted on by the Assistant Deputy Director, Clinical Policy and Programs Branch, the Statewide Medical Director, and the medical staff of the HCR. Decisions to approve or deny an excluded service shall be based upon a quorum of the majority of the above members. The treating physician shall notify the inmate of the committee's decision regarding medical services.

Subsection 3352.1(e) is amended to read:

(e) Decisions regarding dental services which have been referred by the DAR committee shall be voted on by the Assistant Deputy Director, Clinical Policy and Programs Branch, the Statewide Dental Director, and the dental staff of the HCR. Decisions to approve or deny an excluded service shall be based upon a quorum of the majority of the above members. The treating dentist shall notify the inmate of the committee's decision regarding dental services.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

New Section 3352.2 is adopted to read:

3352.2. Dental Authorization Review Committee.

New subsection 3352.2(a) is adopted to read:

(a) Each departmental institution shall establish a Dental Authorization Review (DAR) committee. The DAR shall be established for the purpose of:

- (1) Approving or disapproving requests for otherwise excluded dental services,
- (2) Reviewing treatment recommendations for special dental care needs, and
- (3) Evaluating the cost efficiency and effectiveness of the dental services provided at the institution.

New subsection 3352.2(b) is adopted to read:

(b) Membership of the DAR shall be composed of representatives from each institution's dental care staff. DAR membership shall consist of the Chief Dentist, or designee, a Staff Dentist as Chairperson, and a Staff Dentist as Vice-Chairperson. Representatives from other institution services or divisions shall be invited, when appropriate, to committee meetings.

New subsection 3352.2(c) is adopted to read:

(c) DAR committee decisions shall be based upon the following criteria established in section 3350.1 (d). Committee decisions shall be documented in the inmate's unit health record. Cases

that receive committee approval shall be forwarded, along with all supporting documentation, to the HCR. The treating dentist shall notify the inmate of the committee's decision.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

3354. Health Care Responsibilities and Limitations.

Subsections 3354(a) through (e) are unchanged.

Subsection 3354(f) is amended to read:

(f) Dental Sick Call: Routine dental treatment shall not be provided during sick call. Inmates requesting dental treatment shall be evaluated and scheduled into one of the following categories:

(1) Emergency care category: A dental emergency, as determined by health care staff, includes any medical or dental condition for which evaluation and treatment are necessary to prevent death, severe or permanent disability, or to alleviate disabling pain. Immediate treatment shall be provided and will be available to such inmates 24 hours a day, 7 days a week.

(2) Urgent care categories:

(A) Priority 1A: Inmates requiring treatment of an acute oral or maxillo-facial condition, which is likely to remain acute, worsen, or become life threatening without immediate intervention. Such inmates shall receive treatment within 24 hours of diagnosis and assignment to Dental Priority 1A.

(B) Priority 1B: Inmates requiring treatment for a sub-acute hard or soft tissue pathology. Such inmates shall receive treatment within 30 days of diagnosis and assignment to Dental Priority 1B.

(C) Priority 1C: Inmates requiring early treatment for any unusual hard or soft tissue pathology. Such inmates shall receive treatment within 60 days of diagnosis and assignment to Dental Priority 1C.

(3) Interceptive care category: Inmates shall have over 6 months remaining to serve on their sentence within the department, and be eligible for Priority 2 care regardless of oral health self-care. Such inmates shall receive treatment within 120 days of diagnosis and assignment to Priority 2 care.

(A) Priority 2A: Inmates requiring advanced caries or advanced periodontal pathology requiring the use of intermediate therapeutic or palliative agents or restorative materials, mechanical debridement, or surgical intervention.

(B) Priority 2B: Edentulous or essential edentulous, or with no posterior teeth in occlusion requiring a complete denture, or one or more missing anterior teeth resulting in the loss of anterior dental arch integrity, requiring a transitional anterior partial denture.

(C) Priority 2C: Moderate or advanced periodontitis requiring non-surgical deep scaling and root planing procedures.

(D) Priority 2D: Chronically symptomatic impacted tooth requiring removal or specialty referral. Surgical procedures for the elimination of pathology, or restoration of essential physiologic relationship.

(4) Routine rehabilitative care category: Inmates shall have over 12 months remaining to serve on their sentence within the department, and shall meet oral health self-care requirements. Such inmates shall receive treatment within one year of diagnosis and assignment to Priority 3 care.

(A) Priority 3A: Inmates requiring a maxillary or mandibular partial denture or both due to insufficient number of posterior teeth to masticate a regular diet.

(B) Priority 3B: Carious or fractured dentition requiring restoration with definitive restorative materials or transitional crowns.

(C) Priority 3C: Gingivitis or mild periodontitis requiring routine prophylaxis.

(D) Priority 3D: Definitive root canal treatment for non-vital, single rooted teeth, which are restorable with available restorative materials.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3355.1. Dental Examinations.

Subsection 3355.1(a) is unchanged.

Subsection 3355.1 is amended to read:

(b) Assigned Facility. Each newly committed inmate shall within 90 calendar days following transfer from a reception center to a program facility receive a complete examination by a dentist who shall develop an individual treatment plan for the inmate.

Subsections 3355.1(b)(1) through (d) are unchanged.

The Note Section of 3355.1 is adopted to read:

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code

3358. Artificial Appliances.

Subsection 3358(a) is unchanged.

(a) Appliance Categories. Appliances include but are not limited to eyeglasses, artificial eyes, dental prosthesis, artificial limbs, orthopedic braces and shoes, and hearing aids. An inmate's need for such appliance shall be based on medical necessity as described in section 3350(b)(1).

Subsection 3358(b) is amended to read:

(b) Possession of Appliance. No inmate shall be deprived of a prescribed orthopedic or prosthetic appliance in the inmate's possession upon arrival into the department's custody or properly obtained while in the department's custody unless a department physician or dentist determines the appliance is no longer needed and the inmate's personal physician, if any, concurs in that opinion.

Subsection 3358(c) is amended to read:

(c) Purchase of Appliance. Prescribed appliances shall be provided at state expense if an inmate is indigent, otherwise the inmate shall purchase prescribed appliances through the department or a vendor of the inmate's choice as directed by the chief medical or dental officer. Departmental dentists shall not order prescribed dental appliances made from precious metal, and departmental dentists or dental laboratories shall not perform repairs to existing dental prosthesis made from precious metal. If an inmate's existing dental appliance made from precious metal needs repair, the dentist shall offer the inmate the option of having a new prosthesis made. When a prescribed appliance is to be provided, the inmate shall sign a CDC Form 193, Trust Account Withdrawal Order (Rev. 1/88), to pay for the materials.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.